

DOCKET NO.: BMS-2441/DM-6919CNT

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Poh K. Hui, et al.

Application No.: 10/667,931

Filing Date: September 22, 2003

For: PREPARATION OF A LIPID BLEND AND A PHOSPHOLIPID
SUSPENSION CONTAINING THE LIPID BLEND

Confirmation No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

DATE OF DEPOSIT:

November 18, 2003

I HEREBY CERTIFY THAT THIS PAPER IS BEING
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TRADEMARK OFFICE, P.O. BOX 1450, ALEXANDRIA,
VA 22313-1450.

Elizabeth A. McLoud

TYPED NAME: Elizabeth A. McLoud

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).



In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of

the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- ☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:
- ☐ Certification in Accordance with § 1.97(e) is attached; or
- ☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.
- ☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:
- ☐ Certification in Accordance with § 1.97(e) is attached;
- or
- ☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.
- ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).
- ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

- ☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith
- ☒ Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☒ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
 - ☒ Copies of references 1-37 listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. **09/229,258**, filed **January 13, 1999**.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☒ There are no listed references which are not in the English language.

Date:

11/18/03


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Facsimile: (215) 568-3439



Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office		Docket No. BMS-2441/ DM-6919CNT	Application No. 10/667,931
		Applicant Poh K. Hui, et al.	
		Filing Date September 22, 2003	Group Not Yet Assigned
		Confirmation No. Not Yet Assigned	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
	1	Bedu-Addo, F.K., et al., "Effects of polyethyleneglycol chain length and phospholipids acyl chain composition on the interaction of polyethyleneglycol-phospholipid conjugants with phospholipids: implications in liposomal drug delivery," <i>Pharm. Res.</i> , May 1996, 13(5), 710-717	
	2	Belsito, S., et al., "Sterically stabilized liposomes of DPPC/DPPE-PEG 2000- A spin label ESR & spectrophotometric study," <i>Biophysical Chem.</i> , May 10, 1998, 75(1), 33-43	
	3	Goldberg, et al., "Ultrasound contrast agents: a review," <i>Ultrasound in Med. & Biol.</i> , 1994, 20(4), 319-333	
	4	Gregoriadis, G. (Ed.), <i>Liposome technology: preparation of liposomes</i> , CRC Press, 1994, Vol. 1, 7-13	
	5	Gregoriadis, G., et al. (Eds.), "Liposome technology: preparation of liposomes," and Deamer: "Preparation of solvent vaporization liposomes," CRC Press, Inc., 1984, CRC Press, Inc., XP002101586, Vol. 1, 31-35	
	6	Hansrani, et al., "The preparation and properties of sterile intravenous emulsion," <i>J. Parent. Sci. Tech.</i> , 1983, 37(4), 145-150	
	7	Isele, et al., "Large-scale production of liposome containing monomeric zinc phthalocyanine by controlled dilution of organic solvents," <i>J. Pharm. Sci.</i> , 1994, 83(11), 1608-1616	
	8	Kazuo, M., et al., "Prolonged circulation time in vivo of large unilamellar liposomes composed of distearoyl phosphatidylcholine and cholesterol containing amphipathic poly *ethylene glycol)," <i>Biochimica et Biophysica Acta</i> , 1992, 1128, 44-49	
	9	Nikolova, A., et al., "Effect of grafted PEG-2000 on the size and permeability of vesicles," <i>Biochim Biophys Acta</i> , November 22, 1996, 1304(2), 120-128	
	10	Ohki, et al., "Short & long range calcium-induced lateral phase separations in ternary mixtures of phosphatidic acid phosphatidylcholine and phosphatidylethanolamine," <i>Chem. & Physics of Lipids</i> , 1989, 50(2), 109-118	
EXAMINER		DATE CONSIDERED	



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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)				
	11	Szoka, et al., "Comparative properties and methods of preparation of liquid vesicles (Liposomes)," <i>Ann. Rev. Biophys. Bioeng.</i> , 1980, 9, 467-508		
	12	Talsma, et al., "Liposomes as drug delivery systems, part I, Preparation," <i>Pharmaceutical Technology</i> , October 1992, 96-106		
	13	Unger, et al., "Gas filled lipid bilayers as imaging contrast agents," <i>J. Liposome Res.</i> , 1994, 4(2), 861-874		
	14	Unger, et al., "Gas-filled lipid bilayers as ultrasound contrast agent," <i>Invest. Radiol.</i> , 1994, 29S2, S134-S136		
EXAMINER		DATE CONSIDERED		



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U. S. PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Name	Class	Subclass
	15	4,687,661	08/18/87	Kikuchi, et al.	424	38
	16	4,761,288	08/1988	Mezei	424	450
	17	5,533,217	12/01/91	Lehigh	424	45
	18	5,088,499	02/18/92	Unger		
	19	5,228,446	07/20/93	Unger, et al.		
	20	5,469,854	11/28/05	Unger, et al.		
	21	5,585,112	12/17/96	Unger, et al.	424	450
	22	5,637,289	06/10/97	Klavenes, et al.		
	23	5,677,472	11/1997	Nyberg	554	20
	24	5,741,513	04/21/98	Ghyczy, et al.	424	450
	25	5,798,091	08/1998	Trevino, et al.	424	9.52
	26	6,150,304	11/2000	Fisher, et al.	504	309

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO
	27	WO 95/15118	06/08/95	PCT		
	28	WO 95/32006	11/30/95	PCT		
	29	WO 96/08234	03/21/96	PCT		
	30	WO 96/31196	10/10/96	PCT		

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FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO
	31	WO 96/40285	12/19/06	PCT		
	32	WO 97/40858	11/06/97	PCT		
	33	WO 98/10799	03/19/98	PCT		
	34	WO 98/47487	10/29/98	PCT		
	35	WO 98/51284	11/19/98	PCT		
	36	0 349 429	01/03/90	EPO		
	37	0 901 793	03/17/99	EPO		

EXAMINER	DATE CONSIDERED
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